IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2515 OF 2006

Rajesh Ishwarlal Khandhadia & Anr. ... Petitioners

Vs.

State of Maharashtra & Anr. ... Respondents

Mr. Chetan Pendse i/b Mr. Prashant Parshurampuria for the petitioners.

Ms. M.H. Mhatre for the State.

Mr. S.V. Marwadi for respondent 2.

CORAM : SMT. RANJANA DESAI, J.

DATED : AUGUST 7, 2007.

P.C.:-

1. Leave to amend. Amendment to be carried out forthwith.

2. Consent terms duly signed by the petitioners/applicants, respondent 2 and their respective advocates are taken on record and marked “X”. I note that the petitioners/applicants and

respondent 2 are present in the court. The learned A.P.P. is also present in the court. The petitioners/applicants and respondent 2 confirm that the matter is settled.

3. In view of the above settlement, in exercise of power under section 482 of the Criminal Procedure Code, the conviction and sentence of the petitioners/applicants is quashed and set aside. So far as the amount of Rs.50,000/- (Rupees fifty thousand only) which is lying balance in the Court of Additional Chief Metropolitan Magistrate at Mazgaon in Criminal Case No.938/P/2003 is concerned, the same be handed over to the petitioners/applicants i.e. Mr. Rajesh Ishwarlal Khandhadia and Mrs. Chandrika Rajesh Khandhadia. So far as the amount of Rs.5,00,000/- (Rupees five lakhs only) which is deposited by the petitioners/applicants in the Sewree Court in Appeal No.6 of 2006 is concerned, a sum of Rs.2,40,000/- be handed over to respondent 2 – Mr. Mansoor Tayabali Hardwarewala and the balance sum of Rs.2,60,000/- be handed over to the petitioners/applicants i.e. Mr. Rajesh Ishwarlal Khandhadia and Mrs. Chandrika Rajesh Khandhadia.

4. The writ petition as well as the concerned application are

disposed of accordingly.

5. All concerned to act on the authenticated copy of this order.

[SMT. RANJANA DESAI, J.]